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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,030	08/15/2001	Masood Garahi	41747	1872

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EXAMINER

ABELSON, RONALD B

ART UNIT PAPER NUMBER

2666

DATE MAILED: 05/06/2003

J

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/920,030

Applicant(s)

ANDERSON ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 3 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6. 6) ☐ Other: _____

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4, 8, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Padiovani (US 6,442,398).

Regarding claims 1 and 8, Padiovani teaches a method and apparatus for a mobile access point (fig. 2 box 40, col. 9 lines 25-29), adapted for use with a packet-switched communications network (fig. 1 box 12B) comprising at least one fixed access point (fig. 2 box 54), to provide a mobile wireless user terminal (fig. 2 box 48) with access to the network, the mobile access point comprising: at least one transceiver, adapted to transmit and receive communications signals to and from the wireless user terminal (fig. 2 box 40), and to operate as a communications link between the wireless user terminal and the

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fixed access point, to provide the wireless user terminal with access to the network via the communications link; and a structure, adapted to house the at least one transceiver, and being adapted to mount on or in a mobile vehicle (portable base station, col. 9 lines 25-29).

Regarding claims 2 and 9, a power connection, adapted to couple a substantially constant power supply, to provide substantially constant power to the transceiver (fig. 3 amplifiers 64, 80).

Regarding claims 4 and 11, the transceiver is further adapted to provide a second communications link between the user terminal and another user terminal (fig. 3 box 70A-N, col. 9 lines 49-50).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

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art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padiovani as applied to claims 1 and 8 above, and further in view of Katzela (US 5,872,773).

Padiovani is silent on the transceiver is further adapted to provide a second communications link with another mobile access point adapted for use with the network.

Katzela teaches the transceiver is further adapted to provide a second communications link with another mobile access point adapted for use with the network (figs. 1-15b).

Therefore it would have been obvious to one of ordinary skill in the art, having both Padiovani and Katzela before him/her and with the teachings [a] as shown by Padiovani, a method and apparatus for a mobile access point, adapted for use with a packet-switched communications network comprising at least one fixed access point, to provide a mobile wireless user terminal with access to the network, the mobile access point comprising: at least one transceiver, adapted to transmit and receive communications signals to and from the wireless user terminal, and to operate as a communications link between the wireless user terminal and the fixed access point, to provide the wireless user terminal with access to the network via the

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communications link; and a structure, adapted to house the at least one transceiver, and being adapted to mount on or in a mobile vehicle, and [b] as shown by Katzela, the transceiver is further adapted to provide a second communications link with another mobile access point adapted for use with the network, to be motivated to modify the system of Padiovani by linking a plurality of portable base stations between the mobile user and the fixed base station. This would improve the system by extending the coverage area of the fixed base stations.

5. Claims 6, 7, 13, and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Padiovani as applied to claims 1 and 8 above, and further in view of Beason (US 6,373,430).

Padiovani fails to teach a mobile access point comprising a location determiner, as specified in claims 6 and 13; and the location determiner includes GPS, as specified in claims 7 and 14.

Beason teaches a GPS location determiner for a mobile transceiver (fig. 1, col. 2 lines 43-48).

Therefore it would have been obvious to one of ordinary skill in the art, having both Padiovani and Beason before him/her and with the teachings [a] as shown by Padiovani, a method and apparatus for a mobile access point, adapted for use

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with a packet-switched communications network comprising at least one fixed access point, to provide a mobile wireless user terminal with access to the network, the mobile access point comprising: at least one transceiver, adapted to transmit and receive communications signals to and from the wireless user terminal, and to operate as a communications link between the wireless user terminal and the fixed access point, to provide the wireless user terminal with access to the network via the communications link; and a structure, adapted to house the at least one transceiver, and being adapted to mount on or in a mobile vehicle, and [b] as shown by Beason, a GPS location determiner for a mobile transceiver, to be motivated to modify the system of Padiovani by incorporating the GPS location determiner within the portable base station of Padiovani. This would improve the system by providing a means for the portable base stations to communicate their positions to the network's central controller, i.e. mobile switching center.

Allowable Subject Matter

6. Claims 3 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3 and 10, nothing in the prior art of the record teaches or fairly suggests the vehicle provides a substantially constant power supply, in combination with the other limitations listed in the claim.

Prior art is of record

7. The prior art is of record but not relied upon in the office action. Wilson (US 6,141,533) teaches a mobile repeater for Internet access.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone numbers for the organization where this application or proceeding is assigned

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are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



Ronald Abelson
Examiner
Art Unit 2666

May 2, 2003



SEEMA S. RAO 5/1/03
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